

JAN 11 2006

MORRISON | FOERSTER

19900 MACARTHUR BLVD.
IRVINE
CALIFORNIA 92612-2445
TELEPHONE: 949.251.7500
FACSIMILE: 949.251.0900
WWW.MOFO.COM

MORRISON & FOERSTER LLP
NEW YORK, SAN FRANCISCO,
LOS ANGELES, PALO ALTO,
SAN DIEGO, WASHINGTON, D.C.
DENVER, NORTHERN VIRGINIA,
ORANGE COUNTY, SACRAMENTO,
WALNUT CREEK, CENTURY CITY
TOKYO, LONDON, BEIJING,
SHANGHAI, HONG KONG,
SINGAPORE, BRUSSELS

To:

NAME:	FACSIMILE:	TELEPHONE:
USPTO MS Missing Parts	(571) 273-8300	

FROM: Barbara M. Hayashi DATE: January 11, 2006

Number of pages with cover page:	20	Our Reference 480052000600
-------------------------------------	----	----------------------------

Preparer of this slip has confirmed that facsimile number given is correct: 11487/BMH2

Comments:

Application No. 10/507,347

Attached: a) Transmittal Form; b) Fee Transmittal; c) Declaration – 3 pages, d) Response to Notification of Defective Response – 12 pages; e) Copy of Notification of Defective Response – 2 pages.

To ensure compliance with requirements imposed by the United States Internal Revenue Service, Morrison & Foerster LLP informs you that, if any advice concerning one or more U.S. Federal tax issues is contained in this facsimile (including any attachments), such advice is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

CAUTION - CONFIDENTIAL

This facsimile contains confidential information that may also be privileged. Unless you are the addressee (or authorized to receive for the addressee); you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

11487 3500

cc-308765

**RECEIVED
CENTRAL FAX CENTER**

JAN 11 2006

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

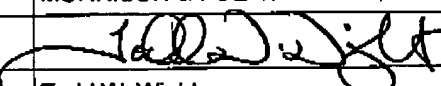
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/507,347
		Filing Date	September 10, 2004
		First Named Inventor	Thierno A. BLANK
		Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	19	Attorney Docket Number	480052000600

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration - 3 pages Response to Notification of Defective Response - 12 pages Copy of Notification of Defective Response - 2 pages
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP, Customer No. 25224		
Signature			
Printed name	Todd W. Wight		
Date	January 11, 2006	Reg. No.	45,218

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. 571-273-8300, on the date shown below.

Dated: January 11, 2006

Signature: 

(Barbara Hayaahi)

cc-308763

PAGE 2/20 * RCVD AT 1/11/2006 6:10:15 PM [Eastern Standard Time] * SVR:USPTO-EFXXRF-6/24 * DNIS:2738300 * CSID:949 251 0900 * DURATION (mm-ss):06-46

BEST AVAILABLE COPY

JAN 11 2006

PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (P.L. 109-10). FEE TRANSMITTAL For FY 2005		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number 10/507,347	Filing Date September 10, 2004
TOTAL AMOUNT OF PAYMENT (\$)		First Named Inventor Thiemo A. BLANK	Examiner Name Not Yet Assigned
		Art Unit Not Yet Assigned	Attorney Docket No. 480052000600

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	<input type="checkbox"/> Deposit Account Deposit Account Number: <u>03-1952</u> Deposit Account Name: <u>Morrison & Foerster LLP</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION																			
1. BASIC FILING, SEARCH, AND EXAMINATION FEES																			
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)												
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)													
Utility	300	150	500	250	200	100													
Design	200	100	100	50	130	65													
Plant	200	100	300	150	160	80													
Reissue	300	150	500	250	600	300													
Provisional	200	100	0	0	0	0													
							<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Fee Description</th> <th>Fee (\$)</th> <th>Small Entity Fee (\$)</th> </tr> <tr> <td>Each claim over 20 (including Reissues)</td> <td>50</td> <td>25</td> </tr> <tr> <td>Each independent claim over 3 (including Reissues)</td> <td>200</td> <td>100</td> </tr> <tr> <td>Multiple dependent claims</td> <td>360</td> <td>180</td> </tr> </table>	Fee Description	Fee (\$)	Small Entity Fee (\$)	Each claim over 20 (including Reissues)	50	25	Each independent claim over 3 (including Reissues)	200	100	Multiple dependent claims	360	180
Fee Description	Fee (\$)	Small Entity Fee (\$)																	
Each claim over 20 (including Reissues)	50	25																	
Each independent claim over 3 (including Reissues)	200	100																	
Multiple dependent claims	360	180																	
Total Claims Extra Claims Fee (\$) Fee Paid (\$)		Multiple Dependent Claims																	
_____ . 20 = _____ x _____ = _____		Fee (\$) Fee Paid (\$)																	
Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)																			
_____ . 3 = _____ x _____ = _____																			
3. APPLICATION SIZE FEE																			
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).																			
Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)																			
_____ - 100 = _____ / 50 _____ (round up to a whole number) x _____ = _____																			
4. OTHER FEE(S)																			
Non-English Specification, \$130 fee (no small entity discount)																			
Other (e.g., late filing surcharge): _____																			

SUBMITTED BY			
Signature	Registration No. (Attorney/Agent) 45,218	Telephone (949) 251-7189	
Name (Print/Type) Todd W. Wight		Date January 11, 2006	

oc-308764

BEST AVAILABLE COPY

RECEIVED
CENTRAL FAX CENTER
JAN 11 2006

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. 571-273-6300, on the date shown below.

Dated: January 11, 2006

Signature: 

(R. Hama Havaishi)

Docket No.: 480052000600
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thiemo A. BLANK

Application No.: 10/507,347

Filed: September 10, 2004

Art Unit: Not Yet Assigned

For: METAL STRUCTURE COMPATIBLE WITH
MRI IMAGING, AND METHOD OF
MANUFACTURING SUCH A STRUCTURE

Examiner: Not Yet Assigned

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This replies to the Notification of Defective Response mailed January 4, 2006.

The Declaration is attached.

With regard to the requirement of "Additional claim fees of \$50 as a non-small entity, including any required multiple dependent claim fee, are required, Applicant must submit the additional claim fees or cancel the additional claims for which fees are due." Attached for your reference please find a copy of the Transmittal Letter and Preliminary Amendment as originally submitted. Please note on page 2 of the Transmittal Letter that small entity fees were not claimed. Please also note the Preliminary Amendment cancelled any multiple dependency claims.

oc-308762

BEST AVAILABLE COPY

Application No.: 10/507,347

2

Docket No.: 480052000600

In the event the U.S. Patent and Trademark Office still determines that additional fees are required, applicant authorizes the Commissioner to charge the cost of such fees due to Deposit Account No. 03-1952 referencing docket no. 480052000600. A Fee Transmittal is attached for that purpose. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 11, 2006

Respectfully submitted,

By 

Todd W. Wight

Registration No.: 45,218

MORRISON & FOERSTER LLP

19900 MacArthur Boulevard

Irvine, California 92612-2445

(949) 251-7189

oc-308762

RECEIVED
CENTRAL FAX CENTER

JAN 11 2006

Express Mail EV479818090US

FORM PTO 1390 (REV 10-2003)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 480052000600
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/EP03/02708	INTERNATIONAL FILING DATE March 14, 2003	PRIORITY DATE CLAIMED March 14, 2002	
TITLE OF INVENTION METAL STRUCTURE COMPATIBLE WITH MRI IMAGING, AND METHOD OF MANUFACTURING SUCH A STRUCTURE			
APPLICANT(S) FOR DO/EO/US Thiemo Arnim BLANK			

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

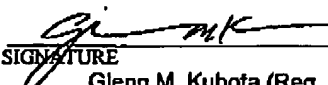
- ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing 35 U.S.C. 371.
- ☒ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☐ The US has been elected (Article 31).
- ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - ☐ is attached hereto (required only if not communicated by the International Bureau).
 - ☒ has been communicated by the International Bureau.
 - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☒ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - ☒ is attached hereto.
 - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - ☐ are attached hereto (required only if not communicated by the International Bureau).
 - ☐ have been communicated by the International Bureau.
 - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - ☒ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
- ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
- ☒ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

- ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☒ A preliminary amendment.
- ☒ An Application Data Sheet under 37 CFR 1.76.
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
- ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- ☒ Other Items or information: Informal Drawings-4 Sheets; Return Receipt Postcard

page 1 of 2

BEST AVAILABLE COPY

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO PCT/EP03/02708		ATTORNEY'S DOCKET NUMBER 480052000600	
21. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):					
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1080.00					
<input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00					
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00					
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00					
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00					
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$ 920	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$ 130	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	25 -20 =	5	x 18	\$ 90	
Independent claims	2 - 3 =	0	x 0	\$ 0	
MULTIPLE DEPENDENT CLAIM(s) (if applicable)			+	\$ 0	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,140	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ -	
SUBTOTAL =				\$ 1,140	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$ 0	
TOTAL NATIONAL FEE =				\$ 1,140	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 0	
TOTAL FEES ENCLOSED =				\$ 1,140	
				Amount to be refunded:	\$
				charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 03-1952 in the amount of \$ 1,140.00 to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Todd W. Wight MORRISON & FOERSTER LLP 555 West Fifth Street, Suite 3500 Los Angeles, CA 90013			SIGNATURE  Glenn M. Kubota (Reg. No. 44,197)		
			DATE: September 10, 2004		

FORM PTO-1390 (REV 10-2003) page 2 of 2

RECEIVED
CENTRAL FAX CENTER

019
Page 1 of 2

JAN 11 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/507,347	FIRST NAMED APPLICANT Thiemo Arnim Blank	ATTY. DOCKET NO. 480052000600
INTERNATIONAL APPLICATION NO. PCT/EP03/02708		
I.A. FILING DATE 03/14/2003		PRIORITY DATE

Todd W Wight
Morrison & Foerster
555 West Fifth Street
Suite 3500
Los Angeles, CA 90013

CONFIRMATION NO. 3786
371 FORMALITIES LETTER



OC000000017768767

Date Mailed: 01/04/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Copy of the International Application filed on 09/10/2004
- Copy of the International Search Report filed on 09/10/2004
- Copy of IPE Report filed on 09/10/2004
- Information Disclosure Statements filed on 09/10/2004
- Request for Immediate Examination filed on 09/10/2004
- Copy of references cited in ISR filed on 09/10/2004
- U.S. Basic National Fees filed on 09/10/2004
- Priority Documents filed on 09/10/2004

DOCKETED

RESP DUE 2/4/06

Applicant's response filed 12/14/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/22/2005 have not been completed.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$50 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$50 for a Large Entity:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this

RECEIVED

JAN 10 2006

MORRISON & FOERSTER LLP
LOS ANGELES

BEST AVAILABLE COPY

Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$ 50

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/507,347	PCT/EP03/02708	480052000600

FORM PCT/DO/EO/916 (371 Formalities Notice)